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C O N F I D E N T I A L SECTION 01 OF 02 LILONGWE 000157

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SUBJECT: MALAWI ELECTION UPDATE: IS MEC STILL INDEPENDENT?

REF: LILONGWE 110 AND PREVIOUS

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Classified By: Ambassador Peter Bodde for reasons 1.4 (b), (d)

11. (C) Summary: The Malawi Electoral Commission (MEC), while still reeling from an audit that discovered an unaccounted \$2.8 million USD (reftel), appears on track logistically and operationally for a May 19 election date. However, legal challenges over former President Muluzi's denied nomination are a risk to the calendar (septel). On March 20, the MEC announced the list of candidates, denying only Muluzi's presidential bid and one parliamentary candidate. Political parties criticized the MEC for failing to allow new candidates to register after the Commission announced which candidates were eligible to run. The MEC confirmed that two National Intelligence Service (NIS) officers have been supplied to the MEC to help with staffing, raising opposition suspicions of government interference. In a recent meeting, a high level Democratic Progressive Party (DPP) official told emboff that the ruling party had consulted with the MEC on nomination deposit levels and encouraged the twenty-fold increase from 2004. The MEC has now decided to also modify its results management system without consulting political parties. In previous elections, the tallies of each ballot box were made public, but this year results will be tabulated at the polling station level. Comment: There are signs that the MEC may no longer be able to act independently. The appearance of NIS officers will fuel opposition claims that the government is planning to manipulate upcoming elections. End Summary.

Campaigns Start, Candidates Announced

12. (U) The official campaign period began on March 17, but without a MEC-approved list of eligible candidates. After meeting with political parties on March 13, the MEC instead announced it would reopen nominations on March 18 and 19 to allow additional nominees to submit paperwork. Opposition political parties protested, saying they had asked MEC for an additional nomination period after the announcement of candidates, not before. The opposition parties said the purpose of the new period was to replace nominees that did not qualify. During the supplementary two day nomination period, 33 new parliamentary nominees turned in forms. On March 20, the MEC announced the list of eligible candidates. The MEC rejected only former President Muluzi and New Rainbow Coalition parliamentary candidate Yerehiah Chihana. Muluzi immediately announced his intention to challenge the decision at the High Court (SEPTTEL).

Donors Unable to Rationalize MEC Supplementary Request

¶3. (SBU) After a month-long effort to rationalize the MEC's \$14 million USD supplementary budget request, development partners abandoned the effort. Despite repeated attempts, MEC department managers were unable to justify new requests or explain past spending. Without a new justifiable budget request, development partners will ask the MEC to negotiate with the Ministry of Finance regarding its request. While this will not preclude any individual donor from contributing additional money to the MEC, so far no donor has indicated it will make an additional contribution. Moreover, the UN basket fund for electoral support continues to have a \$2.4 million USD shortfall due to exchange rate losses. Any new donor funds will first be used to cover this gap.

Finance Department Still Suffering From Audit Findings

¶4. (U) Ten former employees from the MEC's finance department remain in police custody pending an investigation regarding \$2.8 million USD that was unaccounted for in a recent audit. The UN-managed donor trust fund will pay for an additional audit covering October 2008 to January 2009 in an effort to determine the full extent of the potential fraud or mismanagement may be. While government employees from the Ministry of Finance have been seconded to the MEC, a private accounting firm will also be brought in to ensure transparency and accountability.

Intel Officers Reportedly Sent to "Help"

¶5. (U) In addition to Ministry of Finance personnel, on March 18, the Nation newspaper reported that two National Intelligence Service (NIS) officers have been deployed to the MEC to help staff the Commission. In the story, MEC chair

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Justice Msosa confirmed that the NIS officers reported for duty, but said the MEC had not specifically requested them. Msosa said the MEC asked the government for additional information technology staff and was not sure what role the NIS officers were supposed to fill. United Democratic Front (UDF) leaders immediately claimed that the NIS officers were put in place to help rig the May election. MEC publicity officer Fergus Lipenga confirmed to emboff that one NIS officer was working in the information technology department and another in the public relations department. Additional NIS officers have been deployed to the districts as well.

Logistics and Operations On Target for May

¶6. (SBU) In a March 19 meeting with emboffs, UNDP-funded technical consultants at the MEC said that logistics and operational plans remain on track. Chief Elections Consultant Frank Vassalo said that inspection of the voters roll would commence on March 30 and end on April 3. Even with a large number of corrections, the MEC will still be able to print the final voters rolls well in advance of May ¶19. The printer is contractually bound to deliver the ballots to Malawi within four weeks. The chief information technology consultant also said he had verified that all 30 field sites from which returns would be submitted had acceptable power, phone, and Internet capabilities to electronically transmit data to the MEC headquarters.

DPP Official: "We set MEC Deposit Levels"

¶7. (C) In a recent meeting, Harry Mkandawire, the former regional governor for the DPP in the Northern region, told emboff that the DPP met about the issue of nomination fees last fall. Mkandawire, himself a DPP parliamentary candidate, said the party's priority was to discourage DPP primary losers from standing as independents. He said the party first suggested to the MEC that is set fees of \$3,500

USD for parliamentary candidates and \$21,000 USD for presidential candidates, but ultimately settled on \$700 USD for parliament and \$3500 USD for president. The MEC later announced the new deposit levels. Mkandawire also confirmed that the DPP paid the deposit for all 193 DPP parliamentary aspirants (\$135,100 USD) in a single check, but could not say where the funds had come from.

MEC Will Announce Center Level Counts

18. (C) With elections only two months away, the MEC is only now finalizing its results management system. According to Vassalo, the MEC has decided to announce only one result per polling location. This is a departure from past elections where individual ballot box results were announced. Vassalo said that the MEC is also leaning towards co-mingling all ballot boxes for the final count. He said that he did not recommend this method, but it had been successfully done in Zambia. Vassalo said the MEC was trying to reduce arithmetic errors by co-mingling, but assured emboff that the MEC would have procedures in place to reconcile all ballots before the count to prevent stuffing. Vassalo admitted that the MEC had yet to discuss the planned counting method with political parties, many of who would likely view the co-mingling approach as prone to tampering.

Comment: Is MEC Still Independent?

19. (C) Begin Comment: There are some signs that the MEC may no longer be able to act independently. The arrival of NIS officers at MEC headquarters and district offices is worrying. Lipenga told emboffs that so far the NIS staff is just observing, but their mere presence will fuel further opposition claims of a rigged election. UNDP IT consultant Tony Farnum (strictly protect) who has worked at the MEC since before the 2004 elections, told emboff that he was concerned. He recounted how the Muluzi government locked him out of his office for four weeks after polling day in 2004. The private disclosure that the ruling party consulted the MEC on nomination deposits further damages the MEC's reputation of being independent. Without clear communication, the opposition will also perceive the change of the results reporting scheme as a further indication that it is the GOM, rather than the MEC, that will "manage results." End Comment.
BODDE